



SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 27026N DATE: April 5, 2004
RESPONSE REQUIRED BY: May 5, 2004

PERMIT MANAGER: Mark D'Avignon PHONE: 415-977-8507 Email: mdavignon@spd.usace.army.mil

1. INTRODUCTION: Mr. Dan Nicolaus, Citation Northern, 1785 Arnold Drive, Suite 100, Martinez, California 94553 ((925) 372-0300), through his agent John Zentner, Zentner and Zentner, 95 Linden Street, Suite 6, Oakland, California 94607 ((510) 622-8110), has applied for a U.S. Army Corps of Engineers (Corps) permit to place a total of 4,966 cubic yards of fill material into a total of 1.40 acres of seasonal wetland in association with the construction of a 148-home subdivision on a 24.5-acre parcel known as Lower Mangels Ranch in the City of Fairfield, Solano County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The proposed project would be located at the Lower Mangels Ranch site in Solano County about one mile northeast of the Highway 80/680 split at Cordelia on Section 31, Range 2 West, Township 5 North on the Cordelia 7.5 minute USGS topographic map (See Figures 2 and 6). The site consists of APN Numbers 27-37-9, 27-37-21 and 27-37-22.

The proposed project site is located adjacent to and west of the West America Bank regional office. The proposed development site is almost surrounded by other commercial uses, with West America Drive immediately to the east, commercial and industrial developments to the south, residential uses to the west and a relatively steep hillside with existing, lower density housing along the northern border.

The proposed development site is presently dominated by non-native grassland and several depressions that host seasonal marsh or wet meadow vegetation. Historically, the site was a ranch and was relatively well drained with little or no wetlands present. However, the site has been subjected to considerable human disturbance. It was used to store earthen fill for several decades, and was then subjected to grading and excavation activities. As a result of the earth deposition, and later land disturbance including grading, a series of basins were formed on-site. Due to poor drainage and high clay content soils, these basins pond water during the rainy season and support 2.61 acres of seasonal wetlands (See Figure 3).

The dominant marsh vegetation present in the seasonal wetlands consists of rabbit foot grass (*Polypogon monspeliensis*), swamp timothy (*Crypsis schoenoides*), Italian ryegrass (*Lolium multiflorum*), cockle bur (*Xanthium strumarium*), curly dock (*Rumex crispus*), spiny cocklebur (*Xanthium spinosum*), meadow barely (*Hordeum brachyantherum*), bristly ox-tongue (*Picris echinodes*), water plantain (*Alisma plantago-aquatica*), spike rush (*Eleocharis macrostachya*), and tall flat-sedge (*Cyperus eragrostis*).

Project Description: As shown in the attached drawings, the applicant plans to fill 1.40 acres of the seasonal wetlands in order to construct 148 new homes and associated infrastructure. Mitigation for this fill would include preservation of 1.21 acres of wetland within a single, buffered wetland preserve

on-site and construction of 2.86 acres of seasonal wetlands within the nearby Rockville Hills Park (See Figure 6). In addition, a 0.16-acre treatment basin would be built on-site to treat water flowing from the development area to the preserved wetlands.

Reference sites in the local area were used to design the proposed seasonal wetlands to be constructed. The off-site wetland mitigation would involve creation of 2.86 acres of seasonal wetlands (i.e. a greater than 2:1 wetland compensation ratio). The proposed off-site mitigation would involve excavation of wetland basins, planting of native wetland vegetation, and establishment of native grassland buffers. There would also be fencing to exclude cattle from these mitigation areas as well as another 10 acres of the park in order to facilitate community stewardship of the mitigation areas.

Finally, all restored and preserved wetlands would be monitored and maintained for a period of 5 years. Long-term maintenance and management of the restored wetlands will rest with the City of Fairfield, which will be provided with an endowment to continue these operations.

Table 1. Lower Mangels Ranch Existing Wetland, Proposed Wetland Impacts, and Proposed Mitigation Acreages

Existing	Impacted	Onsite Preserve	Created Onsite	Created Offsite
2.61	1.40	1.21	0.16	2.86

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy

Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. No special status species are known or have been observed in the project site. The ponds are not suitable for most aquatic special status species as they are recent in origin (post 1995), heavily disturbed, are dominated by exotic species and contain very sparse emergent vegetation. The site is not within designated critical habitat for any known species. At this time the Corps has made a preliminary determination that the proposed project would not effect any federally listed threatened or endangered species.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may

assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act. Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines. The applicant states that there are no practicable alternatives for his project. An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Mark D'Avignon of our office at telephone 415-977-8507 or E-mail: mdavignon@spd.usace.army.mil.